

REMARKS

Summary of the Office Action

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,414,730 to Akamatsu et al.

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akamatsu et al. in view of U.S. Patent No. 6,528,357 to Dojo et al.

Claims 22-32 are allowed.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 6 to further define the subject matter of the invention to place the application in clear condition for allowance or, alternatively, in better form for appeal. Applicants have added a new claim 33. Accordingly, claims 1-33 are pending in this application, among which claims 12-21 have been withdrawn from consideration due to a restriction requirement.

The Rejections under 35 U.S.C. §§ 102 and 103

Applicants express appreciation to the Examiner for allowance of claims 22-32.

Applicants respectfully traverse the rejections of claims 1-11 under 35 U.S.C. § 102 and 103 to the extent the Examiner considers that the rejections still apply to claims 1-11, as amended by the instant Amendment.

Independent claim 1 is allowable over the cited references. Claim 1, as amended, recites a combination of elements including the features of “the drain electrode, . . . , having a first drain contact hole penetrating the two layers such that sides of the two layers are exposed at all inner

side surfaces of the first drain contact hole,” that “the gate insulating film is exposed through the first and second drain contact holes,” and that “the pixel electrode directly contacts the exposed the gate insulating film through the first and second drain contact holes.” None of the cited references, singly or in combination, teaches or suggests the combination of elements having the above-recited features of the present invention.

In particular, none of the cited references teaches or suggests at least the above-recited features of “the drain electrode, . . . , having a first drain contact hole penetrating the two layers (of the drain electrode) such that sides of the two layers are exposed at all inner side surfaces of the first drain contact hole.” For example, FIGs. 8C-8H of Sah and FIGs. 2A and 7A of Akamatsu et al. and the corresponding descriptions do not teach or suggest that the recited first drain contact hole in the drain electrode *penetrating* the two layers (of the drain electrode) such that sides of the two layers are exposed at all inner side surfaces of the first drain contact hole. At most, Sah and Akamatsu et al. show that the contact hole formed in the insulating film is positioned to overlap the edge of what appears to be multi-layered drain electrode. Hence, at most, these references show that sides of the two layers are exposed at *some of, but not all of,* the inner side surfaces of the contact hole disclosed. Thus, the cited references do not teach or suggest “the drain electrode . . . having a drain contact hole penetrating the two layers (of the drain electrode) such that sides of the two layers are exposed at all inner side surfaces of the first drain contact hole,” as recited in claim 1, as amended.

Because these references do not teach or suggest at least the above-recited features concerning the first drain contract hole, they also do not teach or suggest the features of the gate

insulating film being exposed through the first and second drain contact holes or the features of the pixel electrode directly contacting the exposed the gate insulating film through the first and second drain contact holes,” as recited in claim 1.

As instructed by MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Further, as instructed by MPEP §2143.03, “to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”

At least because not all of the claim limitations are taught or suggested in the cited references, independent claim 1 is placed in clear condition for allowance.

Applicants respectfully submit that dependent claims 2-11 are allowable at least because of their respective dependencies upon allowable independent claim 1 and for the additional features they recite. In particular, claim 6, as amended, recites a combination of elements including the features of “the data pad having a first data contact hole penetrating the two layers such that sides of the two layers are exposed at all inner side surfaces of the first data contact hole.” None of the cited references, singly or in combination, teaches or suggests at least the combination of elements having the above-recited features.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-11 under 35 U.S.C. §§ 102 and 103.

Applicants respectfully submit that new claim 33 is allowable at least because of its dependency on allowable claim 1.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at 202.739.5660 to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.1 36(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By:


Masao Yoshimura
Reg. No. 52,526

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
202.739.3000